

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:  
Estes et al.

Application Serial No. 10/650,494

Filed August 28, 2003

LATERALLY EXPANDING  
INTERVERTEBRAL FUSION DEVICE

) Before the Examiner:  
) Annette R. Reimers  
)

) Group Art Unit 3733  
)

) Ref. No. MSDI-479/  
) PC457.06  
)

) October 24, 2007  
)

**RESPONSE TO FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated August 24, 2007, please enter and consider the following remarks. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

October 24, 2007

Date of Deposit

Brad A. Schepers

Name of Registered Representative

Signature

October 24, 2007

Date of Signature

### **INTRODUCTORY COMMENTS**

Claims 2-4, 15 and 28-88 are pending in the subject application. Claims 4, 32-34, 47-49, 51-56, 65, 66, 77 and 78 have been withdrawn from consideration. The remaining claims currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.